

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STARR INDEMNITY & LIABILITY COMPANY,

Plaintiff,

vs.

BRIGHTSTAR CORP. *et al.*,

Defendants.

13 Civ. 8580 (GWG)

**DECLARATION OF KEVIN J.B. O'MALLEY IN SUPPORT OF  
PLAINTIFF'S MOTION TO SEAL DOCUMENTS**

Pursuant to 28 U.S.C. § 1746, KEVIN J.B. O'MALLEY declares under penalty of perjury as follows:

1. I am a member of Nicoletti Hornig & Sweeney, attorneys of record for Plaintiff Starr Indemnity & Liability Company in the above-captioned action. I have been involved in this matter from the beginning and, as such, I am fully familiar with all prior proceedings herein.

2. I make this declaration in support of Starr Indemnity's application to keep under seal portions of two documents that were filed under seal by Defendants Brightstar Corp. and Brightstar Germany GmbH: (a) portions of Exhibit 9 to the Declaration of Charles P. Edwards, Esq. in Support of Brightstar's Notice of Motion for Partial Summary Judgment executed on May 25, 2018 (ECF Doc. 134); and (b) portions of Exhibit 9 that appear and are quoted on page 23 of Brightstar's Reply in Support of Motion for Partial Summary dated July 24, 2018 (ECF Doc. 148).

3. Attached hereto as Exhibit "1" is a copy of Exhibit "9" to the Edwards Declaration, which was filed under seal by Brightstar.<sup>1</sup> This document is being filed in redacted form on ECF, with a courtesy copy of the unredacted version sent to Chambers with the proposed redactions outlined by a red box. (The original Exhibit "9" to the Edwards Declaration had some redactions in the second column.)

4. Attached hereto as Exhibit "2" is a copy of page 23 from Brightstar's reply brief, which was filed under seal by Brightstar. This document is being filed in redacted form on ECF, with a courtesy copy of the unredacted version sent to Chambers with the proposed redactions outlined by a red box.

5. Attached hereto as Exhibit "3" is a more legible copy of the same document that is Exhibit "9" to the Edwards Declaration. A version of this document was produced by Starr Indemnity during the course of this litigation, originally with bates stamp numbers STARR 30377 - STARR 30390 and originally with some redactions in the second column. This document is being filed in redacted form on ECF, with a courtesy copy of the unredacted version sent to Chambers.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 31, 2019

S/ KEVIN J.B. O'MALLEY

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<sup>1</sup> Exhibit "9" to the Edwards Declaration was marked as Exhibit "188" at the deposition of Jeffrey Factor taken on November 3, 2016.